

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD BORDIN,

Plaintiffs,

v.

JON RAU, *et. al.*,

Defendants.

Case No. 3:23-CV-00449-CLB

**ORDER GRANTING MOTION TO
EXTEND TIME, SETTING ASIDE
DISMISSAL ORDER, REOPENING
CASE, AND REINSTATING MOTION TO
DISMISS**

[ECF Nos. 26, 27, 28]

On March 15, 2024, this Court granted Defendants Jon Rau and Josh Rau's (collectively referred to as "Defendants") Motion to Dismiss and entered judgment in favor of Defendants after Plaintiff Richard Bordin ("Bordin") failed to oppose the motion. (ECF Nos. 26, 27.) Bordin has now filed a motion to extend time, which the Court also construes as a response to the motion to dismiss. (ECF No. 28).

Rule 60(b)(1) allows a court to "relieve a party or its legal representative from a final judgment, order, or proceeding" based on "mistake, inadvertence, surprise, or excusable neglect." Fed. R. Civ. P. 60(b)(1). To determine whether neglect is excusable, the Court considers "at least four factors" known as the *Pioneer-Briones* factors: "(1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith." *Lemoge v. United States*, 587 F.3d 1188, 1192 (9th Cir. 2009) (quoting *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223 (9th Cir. 2000)). In light of Bordin's filing and *pro se* status, the Court finds that the *Pioneer-Briones* factors weigh in favor of finding excusable neglect to set aside the dismissal order.

Accordingly, **IT IS ORDERED** that Bordin's motion to extend time, (ECF No. 28), is **GRANTED**.

IT IS FURTHER ORDERED that Bordin's motion to extend time, (ECF No. 28), is construed as his response to the motion to dismiss.

